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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,673	01/24/2002	Rick P. Hoover	10012696-1	8428

7590 10/17/2008
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

LEE, CHEUKFAN

ART UNIT	PAPER NUMBER
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2625

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10/17/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RICK P. HOOVER and SHELL S. SIMPSON

Application No. 10/053,673
Technology Center 2600

Mailed: October 17, 2008

Before KRISTA ZELE, *Deputy Chief Appeals Administrator*
ZELE, *Deputy Chief Appeals Administrator*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on August 28, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

EXAMINER'S ANSWER, EVIDENCE RELIED UPON

Section §1207.02 of the *Manual of Patent Examining Procedure*

(MPEP) (Eighth Edition, Rev. 6, September 2007) states:

(A) CONTENT REQUIREMENTS FOR EXAMINER'S ANSWER. The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

....

- (8) Evidence Relied Upon. A listing of the evidence relied on (e.g., patents, publications, admitted prior art), and in the case of nonpatent references, the relevant page or pages.

The Examiner's Answer mailed August 22, 2007 is deficient because the "Evidence Relied Upon" section fails to include the reference(s) Mazzagatte (U.S. Patent No. 6,862,583) and Matsubayashi (U.S. Patent Publication No. 2003/0093670) cited on page(s) 3-4 in the Examiner's Answer's grounds of rejection of claims 1, 4-7, 9, 16, 17, 19, 22, 54, 57-60, 62, 67, 68, 93-98 under 35 USC § 102(e)>.

Appropriate correction is required.

Accordingly, it is ORDERED that the application is returned to the Examiner:

1) to issue a PTO-90 citing the missing references listed under the Evidence Relied Upon section, paragraph (8); and

2) such further action as may be required.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

KZ/tdl

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